IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8015 OF 2006

Gojia @ Gajha Bhagwan Tandel,
since deceased through LR :
Ishwar Gojia Tandel .. Petitioner.

V/s.

Jivanjibhai Naranbhai Tandel .. Respondent.

Mr. Nitesh Bhutekar i/by Uday Warunjikar for the Petitioner.

Mrs. Teja Katdare for the Respondent.

CORAM : S. A. BOBDE, J.

DATED : 05th JULY, 2007.

P.C. :-

. By this petition, the petitioner has challenged the order dated 21.08.2006 passed by the learned Civil Judge, Sr.Dvn., Daman, refusing to set aside the abatement of the suit and permission for LRs to be brought on record. Apparently, the petitioner prayed to the trial court to set aside the abatement on the basis of the application which, the petitioner claimed, had been filed in the court. The court has refused to take cognizance of that application, which has been placed in the file without the knowledge of the presiding officer of the court. Apparently, there is no record as

to when the application which is purported to have been filed under Rule 2 of the CPC. is dated 5th of September, 2005.

2. In the circumstances, it must be held that the court has rightly declined to take cognizance of such an application. There is no merit in this writ petition, which is hereby dismissed.

(S.A.BOBDE,J.)

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